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July 19, 2004

By FAX Machine

Dear Representative:

We write to urge you to oppose H.R. 3313, the "Marriage Protection Act of 2004." This legislation would deny federal courts jurisdiction to hear or determine any question pertaining to the interpretation of the 1996 Defense of Marriage Act (PL 104-199) or the federal statute defining marriage.

By eliminating the possibility of judicial review of these cases, this measure would circumvent our nation's time-honored system of checks and balances. Efforts to enact congressionally-mandated jurisdictional limitations are extraordinary and dangerous in that they would undercut, in an unprecedented way, the essential function of the federal courts as the ultimate interpreters of the constitutionality of legislation. Enactment of H.R. 3313 would effect an end-run around the normal process of judicial review. For many but not all, it would substitute Congress as the sole arbiter of certain fundamental rights and privileges – subjecting that minority to the passions of ever-changing political majorities, precisely the opposite of what the Framers intended.

We urge you to oppose H.R. 3313.

Sincerely,

A handwritten signature in blue ink, appearing to read "Michael Lieberman", written over a horizontal line.

Michael Lieberman
Washington Counsel

A handwritten signature in black ink, appearing to read "Jess N. Hordes", written over a horizontal line.

Jess N. Hordes
Washington Director